

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	NO. S1-4:09 CR 757 CAS
v.)	
)	
JEFFREY GREENWELL,)	
)	
Defendant.)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR BOND

Comes now the United States of America, by and through the United States Attorney for the Eastern District of Missouri, Richard G. Callahan, and Carrie Costantin, Assistant United States Attorney for said district, and files its Response in Opposition to Defendant's Motion for Bond.

On December 14, 2009, after a hearing, the Magistrate Judge entered written findings and ordered that the defendant be detained. At that time, defendant had been indicted on one count of Production of Child Pornography, in which the victim was BE. On January 21, 2010, a superseding indictment was returned that added two counts of Production of Child Pornography, in which SJ and KA are victims.

In her detention order, Magistrate Judge Medler found that the defendant had not rebutted the presumption of detention under Title 18, U.S.C. Section 3142(e) which states that:

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense...involving a minor victim under section...2251...

The Court further found that there is a serious risk that the defendant will not appear and that the defendant will endanger the safety of another person or the community.

The Court found by clear and convincing evidence that:

defendant allegedly produced child pornography and molested his victims. Defendant admitted taking the photos and encrypting his computer as well as admitting molesting his cousin and several other minors and admitted trading in child pornography. The mother and grandparents of one of his victims were present in court. The prosecutor proffered their testimony relating that the victim is angry and extremely emotional and stays inside most of the time. Because defendant was released on bond on the state molestation charges, his mother took him out of school and took him out of town because he was so afraid. The victim is very clingy especially with his grandfather and will not play outside without his grandfather being present. The defendant did not contest the proffer nor did he rebut the presumption. The court finds that the adverse effect on the victim if the defendant were released mandates that defendant be detained. There are no conditions or combination of conditions that will assure his appearance, given the length of sentence he is facing and there are no conditions or combinations of conditions that will assure the safety of the community, especially the victim in this case.

Defendant's Motion for Bond cites no new basis for release on bond. Defendant continues to remain a risk to the safety of the community, particular the victims. He is a significant flight risk.

WHEREFORE, the Government respectfully requests that the Court deny Defendant's Motion for Bond.

Respectfully submitted,

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s/Carrie Costantin
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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2010, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Brian Witherspoon
Assistant Federal Public Defender
1010 Market Street, Suite 200
St. Louis, Missouri 63101

s/Carrie Costantin
CARRIE COSTANTIN 54734
Assistant United States Attorney